

#### **205.8451 Definitions for KRS 205.8451 to 205.8483.**

As used in KRS 205.8451 to 205.8483, unless the context otherwise requires:

- (1) "Benefit" means the receipt of money, goods, or anything of pecuniary value from the Medical Assistance Program.
- (2) "Fraud" means an intentional deception or misrepresentation made by a recipient or a provider with the knowledge that the deception could result in some unauthorized benefit to the recipient or provider or to some other person. It includes any act that constitutes fraud under applicable federal or state law.
- (3) "Immediate family member" means a parent, grandparent, spouse, child, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, or grandchild.
- (4) "Intentional" or "intentionally" means, with respect to a result or to conduct described by a statute defining an offense, that a person's conscious objective is to cause that result or to engage in that conduct.
- (5) "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware that his conduct is of that nature or that the circumstance exists.
- (6) "Medical Assistance Program" means the program of medical assistance as administered by the Cabinet for Health and Family Services in compliance with Title XIX of the Federal Social Security Act and any administrative regulations related thereto.
- (7) "Provider" means an individual, company, corporation, association, facility, or institution which is providing or has been approved to provide medical services, goods, or assistance to recipients under the Medical Assistance Program.
- (8) "Provider abuse" means, with reference to a health care provider, practices that are inconsistent with sound fiscal, business, or medical practices, and that result in unnecessary cost to the Medical Assistance Program established pursuant to this chapter, or that result in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes practices that result in unnecessary cost to the Medical Assistance Program.
- (9) "Recipient" means any person receiving or who has received medical assistance benefits.
- (10) "Recipient abuse" means, with reference to a medical assistance recipient, practices that result in unnecessary cost to the Medical Assistance Program or the obtaining of goods, equipment, medicines, or services that are not medically necessary, or that are excessive, or constitute flagrant overuse or misuse of Medical Assistance Program benefits for which the recipient is covered.
- (11) "Wantonly" means, with respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would

observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts wantonly with respect thereto.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 275, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 222, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 96, sec. 1, effective July 15, 1994; and ch. 316, sec. 1, effective July 15, 1994.